

## REMARKS

Claims 1-11 were pending and stand rejected. Claims 1-11 have been cancelled. New claims 12-23 have been added.

### **Rejections Under 35 U.S.C. § 112, second paragraph**

Claims 3 and 7-11 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite and/or incomplete for omitting essential steps. Since these claims have been cancelled, this rejection is moot.

### **Rejections Under 35 U.S.C. § 101**

Claims 7-11 are rejected under 35 U.S.C. § 101 as being directed to unpatentable subject matter. Since claims 7-11 have been cancelled, this rejection is moot.

### **Rejection Under 35 U.S.C. § 102 (e)**

Claims 1-11 stand rejected under 35 U.S.C. § 102 (e) as being anticipated by Vivona (U.S. Patent No. 5,960,407). Since Applicant hereby cancelled claims 1-11, this rejection is moot. However, in order to expedite the prosecution of this application, Applicant will discuss the differences between the claimed invention, as recited in new claims 12-23, and Vivona.

New claim 12 recites:

*A computer-implemented method for providing a market price for products sold over a period of time, the method comprising:*

*accessing over a computer network an on-line marketplace to collect sales data for a plurality of products sold over a period of time, the sales data including an actual sales price of each sold product and a product description;*

*using the collected sales data to generate for each of a plurality of products similar to the sold products a market price for the product;*

*receiving from a user a request for a market price of an identified product;*  
*and*

*providing the market price of the identified product to a user from the generated market prices.*

Generally, claim 12 describes a computer-implemented method for providing a market price for products sold over a period of time. Sales data for a plurality of products sold over a period of time is received from an on-line marketplace. Market price for each of the plurality of products is generated based on the sales data for similar sold products, and the market price is provided to a user in response to the user's request. Thus, the claimed invention advantageously allows a user to obtain a current market value of an identified product based on historical sales data for similar products. Claim 18 recites a system adapted to perform the steps recited in claim 12. Claim 23 describes a computer-implemented method for providing a market price for used products sold over a period of time. Claim 22 recites a computer program product having a computer program code for performing the steps recited in claim 12.

Vivona does not disclose or suggest the claimed invention. Vivona discloses a mechanism for providing to a user a market price for products and services that are **offered for sale** (emphasis added). Vivona accesses a database that stores classified advertisements for products and services, and uses the advertised price to generate a market price for products and services similar to the advertised products and services (col. 3, lines 20-40). Vivona does not disclose or suggest "accessing over a computer network **an on-line marketplace to collect sales data for a plurality of products sold over a period of time**", as claimed (emphasis added). Indeed, Vivona addresses the problem of finding a low-cost solution for determining a market price for products and services (col. 3, lines 5-10). Using classified advertisements is one such low-cost solution proposed by Vivona. In contrast, accessing an on-line marketplace, such as an Internet auction site, to collect sales data for sold products is a more expensive mechanism for determining a market value. Using such a mechanism would thwart the mere intention of Vivona to provide a low-cost solution to generate a market price for products and services. Thus, since Vivona is only concerned with

generating a market price based on **offers for sale** rather than **sales data for sold products**, Vivona provides no means for accessing an on-line marketplace for historical sales data for sold products. Hence, there is no suggestion in Vivona to access an on-line marketplace to collect sales data for a plurality of products sold over a period of time. Accordingly, claims 1, 18, 22, and 23 are patentable over Vivona.


Claims 2-17 and 19-21 depend either directly or indirectly from independent claims 1, 18, 22, and 23 and derive their patentability from the independent claim from which they depend.

#### Conclusion

For the above reasons, Applicants respectfully submit that newly added claims 12-23 are allowable over the cited art of record and respectfully request that the Examiner allow the case.

Respectfully submitted,  
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